UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

AMERICAN IMAGING SERVICES,	Case No. H-97-1394
Plaintiff	
v.	
INTERGRAPH CORPORATION,	
Defendant.	

STIPULATION AND PROPOSED ORDER RE:
CONSTRUCTION OF CLAIMS 8, 35, 36 AND 42 OF U.S. PATENT NO. 5,353,393

Plaintiff American Imaging Services and defendant Intergraph Corporation ("the parties")

have exchanged Markman expert reports and Markman rebuttal expert reports regarding terms

that require construction and their proper construction for the remaining valid claims of U.S.

Patent Number 5.353,393 ("the '393 patent"). This Court and the Federal Circuit Court of

Appeals have previously ruled that the '393 Patent has only four valid claims (8, 35, 36 and 42)

and many claim terms of the '393 Patent have already been construed by this Court and the

Federal Circuit. The parties agree on the construction of the terms in the remaining claims.

This Court in its Scheduling Order of September 4, 2002 set a Markman hearing for May

1, 2003 on the '393 Patent. The parties believe it is in the best interest of judicial economy to

stipulate to the construction of the terms on which the parties agree as set forth below.

IT IS HEREBY STIPULATED BY AND BETWEEN the parties that the claim terms

identified below shall be construed as set forth hereinafter:

1.   Operating system having an interrupt vector table. (Claims 12, 35, and 36
        preamble).

The term "operating system having an interrupt vector table" means an operating system such as PC/DOS or MS/DOS in the context of the '393 patent which uses interrupt vector tables. See col.5, lns.61-65 and col.9, lns.23-28. See also the file history Preliminary Amendment, November 30, 1992, at pp. 25 and 26. "Interrupt vector tables" means a register that records the address of the interrupt service routine so that interrupted program may be resumed. (Memorandum Opinion and Order dated June 23, 2002 and entered June 24, 2002). The term "interruption" means that one program is stopped, another executed, and the former resumed, without any effect except for a time delay, upon the executing program. (Memorandum Opinion and Order signed June 23, 2002 and entered June 24, 2002).

2.   Driver identification means for identification of existence of a display driver interrupt address in the vector table. (Claims 12, 35).

The term "driver identification means for identification of existence of a display driver interrupt address in the vector table" is a means-plus-function claim element under 35 U.S.C. section 112, paragraph six, and is construed to mean that portion of the link program for identifying the existence of a valid display driver interrupt address in the interrupt vector table as shown in the block labeled "DETECT DISPLAY DRIVER INTERRUPT" in figure 3A, and the description at column 5, lines 61 through 68 of the specification. The term literally encompasses such structures and equivalent structures.

3.   Relocation means for relocating a CAD generated display driver interrupt from said display driver interrupt address to a clear location. (Claims 12, 35).

The term "relocation means for relocating a CAD generated display driver interrupt from said display driver interrupt address to a clear location" is a means-plus-function claim element under 35 U.S.C. section 112, paragraph six, and is construed to mean that portion of the link program shown in the block labeled "REMAP DRIVER INTERRUPT TO CLEAR LOCATION" in figure 3A, and the description at column 5, line 61 through column 6, line 9. The term literally encompasses such structures and equivalent structures.

4.   Remapping means for remapping a link program means to said display driver interrupt address. (Claims 12, 35).

The term "remapping means for remapping a link program means to said display driver interrupt address" is a means-plus-function claim element under 35 U.S.C. section 112, paragraph six, and is construed to mean that portion of the link program shown in the block labeled "MAKE RESIDENT LINK PROGRAM SERVICE DISPLAY DRIVER INTERRUPT" in figure 3A, and the description at column 5, line 61 through column 6, line 9 of the specification. The term literally encompasses such structures and equivalent structures. The link program implements the resident link program as the interrupt service routine for the display driver interrupt by setting its desired entry point address into the location in the vector interrupt table corresponding to the display driver.

5.   Intercepting means for intercepting a display driver interrupt generated by said CAD system in response to a user input command. (Claim 36).

The term "intercepting means for intercepting a display driver interrupt generated by said CAD system in response to a user input command" is a means-plus-function claim element under 35

U.S.C. section 112, paragraph six, and is construed to mean resident link program 20 shown in figures 2A and 3B and the description at column 4, lines 46 through 48 and column 6, lines 20 through 23. The term literally encompasses such structures and equivalent structures.

6.   Service means for servicing said interrupt by accessing and editing raster data in a raster data base and by driving the computer screen display in accordance with the edited data from raster data base. (claim 36).

The term "service means for servicing said interrupt by accessing and editing raster data in a raster data base and by driving the computer screen display in accordance with the edited data from raster data base" is a means-plus-function claim element under 35 U.S.C. section 112, paragraph six, and is construed to mean resident link program 20 and transient link program 22 shown in figures 2A and 3B, and the description at column 4, line 45 through column 5, line 3, column 6, lines 16 through 36, and column 8, lines 7 through 28. The term literally encompasses such structures and equivalent structures.

7.   Driver identification means for identification of existence of a display driver driven by the CAD system. (Claim 42).

The term "driver identification means for identification of existence of a display driver driven by the CAD system" is a means-plus-function claim element under 35 U.S.C. section 112, paragraph six, and is construed to mean that portion of the link program for identifying the existence of a valid display driver interrupt address in the interrupt vector table as shown in the block labeled "DETECT DISPLAY DRIVER INTERRUPT" in figure 3A, and the description at column 5, lines 61 through column 6 line 9 of the specification. The term literally encompasses

such structures and equivalent structures. According to the file history of the '393 patent, "claim 44 [issued claim 42] adds features applicable to a DOS based system as hereinabove described with reference to claim 37 [issued claim 35] for example." Preliminary Amendment, November 30, 1992, at p. 25-26.

8.   Relocation means for relocating a display driver identified by said driver identification means from a driver address to a clear location thereof. (Claim 42).

The term "relocation means for relocating a display driver identified by said driver identification means from a driver address to a clear location thereof" is a means-plus-function claim element under 35 U.S.C. section 112, paragraph six, and is construed to mean that portion of the link program shown in the block labeled "REMAP DRIVER INTERRUPT TO CLEAR LOCATION" in figure 3A, and the description at column 5, line 61 through column 6, line 9. The term literally encompasses such structures and equivalent structures. According to the file history of the '393 patent, "claim 44 [issued claim 42] adds features applicable to a DOS based system as hereinabove described with reference to claim 37 [issued claim 35] for example." Preliminary Amendment, November 30, 1992, at p. 25-26.

9.   Remapping means for remapping the edit program means to said driver address. (Claim 42).

The term "remapping means for remapping the edit program means to said driver address" is a means-plus-function claim element under 35 U.S.C. section 112, paragraph six, and is construed to mean that portion of the link program shown in the block labeled "MAKE RESIDENT LINK PROGRAM SERVICE DISPLAY DRIVER INTERRUPT" in figure 3A, and the description at column 5, line 61 through column 6, line 9 of the specification. The term

literally encompasses such structures and equivalent structures. The file history states "claim 44

[issued claim 42] adds features applicable to a DOS based system as hereinabove described with

reference to claim 37 [issued claim 35] for example." Preliminary Amendment, November 30,

1992, at p. 25-26.

DATED: _April 28_, 2003   By:_____

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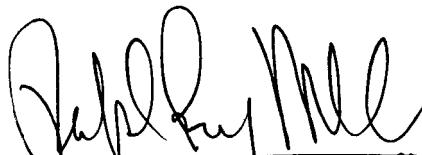   · Byron W. Cooper, CA State Bar No. 166578
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SO ORDERED this 6th day of May , 2003.

                         _____
                         Judge of the U.S. District Court

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